

1973

Annual Report 1973

San Francisco Bay Conservation and Development Commission

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San Francisco Bay Conservation and Development Commission

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Annual Report 1973

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The BCDC consists of 27 members who represent Federal, State and local governments and the general public. Names of Commissioners' alternates are shown in parentheses. The Commission membership, as of December, 1973, is as follows:

PUBLIC REPRESENTATIVES

William E. Evers, Chairman, San Francisco, attorney—appointed by the Governor (John E. Parks, IV., San Francisco, attorney)

Mrs. Dean A. Watkins, Vice Chairman, Portola Valley, civic leader—appointed by the Governor (Mrs. John A. Gast, Belmont, civic leader)

Harry A. Bruno, Oakland, architect—appointed by the Governor (Frank E. McClure, Oakland, structural engineer)

Clarence Heller, Atherton, investments—appointed by the Speaker of the Assembly (Edward R. Becks, East Palo Alto, Executive Director, Economic Opportunity Commission, Redwood City)

Joseph C. Houghteling, Atherton, publisher—appointed by the Senate Rules Committee (George R. Kane, Los Gatos, publisher)

Mrs. Ralph N. Jacobsen, Hillsborough, civic leader—appointed by the Governor (Mrs. Michael E. Stickney, San Mateo, civic leader)

Thomas S. Price, Belvedere, building specialty consultant—appointed by the Governor

FEDERAL REPRESENTATIVES

Paul De Falco, Jr., Regional Administrator, U.S. Environmental Protection Agency (Frank M. Covington, Director, Division of Air and Water Program)

Col. James L. Lammie, San Francisco District Engineer, U.S. Army Corps of Engineers (James C. Wolfe, Construction-Operations Division)

STATE REPRESENTATIVES

Mrs. Joseph D. Cuneo, representing the San Francisco Bay Regional Water Quality Control Board (Homer H. Hyde)

Terrence M. Eagan, representing the State Resources Agency (R. Dean Thompson)

Edward N. Gladish, representing the State Lands Commission (Richard S. Golden)

Kenneth F. Hall, representing the State Department of Finance (Charles C. Harper)

A. Matthew Raggio, representing the State Business and Transportation Agency (Robert J. DeFea)

LOCAL REPRESENTATIVES

Supervisor J. Ellis Godfrey of Solano County (David Balmer, County Administrator)

Supervisor Quentin L. Kopp of San Francisco (Dr. Amancio G. Ergina, commissioner, San Francisco Housing Authority)

Supervisor Dan McCorquodale of Santa Clara County (Supervisor Victor Calvo)

Supervisor Robert B. St. Clair of San Mateo County (Supervisor William H. Royer)

Supervisor Ignazio Vella of Sonoma County (Supervisor Philip L. Joerger)

Supervisor Henry M. Wigger of Napa County (Supervisor Marshall E. Sears)

CITIES (Appointed by the Association of Bay Area Governments)

Mayor Branwell Fanning of Tiburon (Councilman Merritt K. Ruddock of Belvedere)

Supervisor Dianne Feinstein of San Francisco (Mayor Arthur Lepore of Millbrae)

Mayor Norman Y. Mineta of San Jose (Vice Mayor Mary W. Henderson of Redwood City)

Councilman Frank Ogawa of Oakland (Vice Mayor Ilene Weinreb of Hayward)

In addition, two Legislators are appointed to meet with the Commission and take part in its work to the extent allowed by their position as Legislators. The Legislators appointed to the Commission are:

Senator Peter Behr

Assemblyman John J. Miller



STATE OF CALIFORNIA

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

30 VAN NESS AVENUE
SAN FRANCISCO, CALIFORNIA 94102
PHONE: 537-2488

January 17, 1974

TO GOVERNOR RONALD REAGAN
AND MEMBERS OF THE CALIFORNIA LEGISLATURE:

We are pleased to transmit to you the 1973 annual report of our Commission as required by Section 6601 of the Government Code.

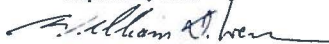
This year saw a strengthening in the Commission's capability to protect San Francisco Bay through two amendments to the BDCD law described in this report. The first amendment, AB 1804 (Knox), established a deadline for filing claims of exemption from BDCD permit requirements for fill in the Bay. The second amendment, SB 1316, (Petris), gave the Commission enforcement powers modeled after the Porter-Cologne Water Quality Control Act, for the first time giving the Commission the ability to require compliance with the BDCD law without having to first go to court.

The Commission approved a near-record number of permit applications in 1973, for a wide range of projects including marinas and industrial installations along the shoreline, and restaurants and homes within the shoreline band. The approved permits included fill totaling about 4.36 acres, most of which was for wharves and wharf extensions for petroleum loading and off-loading facilities.

During 1973, the Commission also established the San Francisco Waterfront Advisory Committee, to advise the Commission on "special area planning" on the San Francisco waterfront, an area that has been the source of considerable controversy. The experience of this committee will serve as a guide for future efforts to encourage detailed planning consistent with the BDCD law and Plan for specific areas of the Bay and shoreline.

The Commission also approved a program to revise the San Francisco Bay Plan, the document that has guided the Commission in planning and permit matters since 1969. To set the direction for this revision program, the Commission began an evaluation program in the fall of 1973, with conclusion due in mid-1974.

Respectfully submitted,



WILLIAM D. EVERS
Chairman

Summary of 1973

1. State Legislation. In 1973 the California Legislature, through two amendments to the BCDC law, gave the Commission additional capability to protect San Francisco Bay. The first limited "grandfather" rights to future fill in the Bay, and the second gave the Commission new administrative enforcement powers. In addition, the California Environmental Quality Act of 1970 was amended during the 1972 Legislature, with the result that Environmental Impact Reports are now filed with most permit applications, and this has greatly assisted the Commission in determining the possible ecological consequences of proposed projects.

AB 1804 (Knox). When first enacted in 1965, the McAteer-Petris Act contained a "grandfather" clause, to allow certain projects then underway to be completed. Nevertheless, from time to time, even after eight years, grandfather rights are asserted under this clause to fill the Bay for uses not now permitted under the BCDC law, usually on the basis that the law conferring these rights did not require either a steady progress toward completion, or completion by any particular time. Considerable Commission and staff time has been spent trying to resolve the resulting disputes.

Assembly Bill 1804 (Knox), reduces this problem considerably. It amends the BCDC law to provide that any person claiming a "grandfather" exemption must file an exemption claim with the Commission within ninety days after the amendment became effective on January 1, 1974, or the exemption claim would be lost. During the early part of 1974, the Commission will decide whether the exemption claim is valid or not. Once all claims filed have been processed, any future fill project not granted "grandfather" status by BCDC will require a BCDC permit and will have to comply with the McAteer-Petris Act.

SB 1316 (Petris). The second amendment, Senate Bill 1316 (Petris), strengthened the Commission's power to require

compliance with the McAteer-Petris Act without going to court. Modeled on the enforcement provisions of the Porter-Cologne Water Quality Control Act, the new legislation authorizes the Commission to issue administrative orders stopping illegal filling of the Bay, requiring illegally-placed fill to be removed, and directing that other violations of the McAteer-Petris Act be corrected by the violator. The Executive Director may also issue 30-day cease and desist orders to halt activities that could be harmful to the Bay before the Commission would be able to take action. Violations of enforcement orders issued by the Commission or the Executive Director can result in court-imposed civil liability of up to \$6,000 per day.

California Environmental Quality Act. In April the Commission adopted new regulations supplementing and interpreting the California Environmental Quality Act of 1970 (CEQA), as it was amended by the Legislature in 1972 following the decision of the California Supreme Court in *Friends of Mammoth v. Board of Supervisors of Mono County*. Where the Commission is the lead agency on a project and responsible for the preparation of the Environmental Impact Report, the regulations prescribe new procedures for the preparation and review of the Environmental Impact Report as part of the BCDC permit

proceedings. In those cases where the Commission is not the lead agency, procedures have been established for staff comment on draft Environmental Impact Reports prepared by other agencies, and also for Commission comment where warranted.

To date the Commission has been the lead agency on one project: the modernization of the Richmond Long Wharf in Richmond, California, by the Standard Oil Company of California. In addition, the Commission staff has reviewed over 100 draft Environmental Impact Reports and Negative Declarations (statements that a project does not warrant preparation of an Environmental Impact Report), of which over one-third have required substantial staff time for review and preparation of written comments. Furthermore, the Commission itself has commented on two major projects: the replacement of the Dumbarton Bridge by the California Toll Bridge Administration and the construction of the Larkspur Ferry Terminal by the Golden Gate Bridge, Highway and Transportation District.

Though the new requirements of the CEQA have created some additional work for the Commission and the staff, the Environmental Impact Report process has provided a valuable new source of information on the environmental consequences of projects within the Commission's



Point Pinole

jurisdiction. Moreover, comments made by the Commission and other agencies on draft Environmental Impact Reports prepared for projects has resulted in clarification of important project details and, in some cases, reconsideration of projects that would otherwise have had an unnecessarily adverse impact on the environment.

2. Litigation. During 1973 three lawsuits were filed against the Commission. William J. Heerdt sued the Commission in an action arising out of the Commission's denial of Application No. 15-72, which had sought permission to dredge and fill all of the last large salt marsh in southern Marin County. The Navajo Trucking Company also sued the Commission, alleging inverse condemnation because the Commission had denied the company's application for a permit to build a trucking terminal along the Oakland Estuary without providing any public access to the shoreline as required by the McAteer-Petris Act. And the partnership of Blumenfeld, Cohn, and Harris sought a judicial declaration that a small marsh owned by the partnership in Marin County was not within the jurisdiction of the Commission because it was subject to tidal action only through a culvert under a road, though once contiguous to the open water of the Bay. Earlier, in 1972, the Commission had denied a permit to fill the marsh because part of the fill was to be used for a parking lot to serve an adjacent building supply business, which is not a water-oriented use under the BCDC law, and because the applicant had not specified the future use of the remainder of the proposed fill.

The action of the Commission has been completely upheld by the trial court in the *Navajo* case and in the *Blumenfeld, Cohn, and Harris* case, though appeals have been filed by the plaintiffs in both cases. The *Heerdt* case had not come to trial when this report was written.

In another court decision, the Supreme Court of California in the case of *Selby Realty Company v. City of San Buenaventura* significantly strengthened the planning and regulatory powers of agencies like BCDC. Recognizing

the importance of comprehensive planning and land use regulation in an increasingly crowded State, the court held that the adoption of a general plan by a public agency like BCDC does not amount to inverse condemnation, i.e. involuntary purchase by the public of privately-owned property, even though the plan indicates that some privately-owned property may ultimately be acquired for public use. Furthermore, the court also ruled out inverse condemnation—and thereby monetary compensation—as a remedy for land use regulations alleged to be takings requiring compensation, on the ground that another legal remedy, administrative mandamus, was already available in such situations.

1973 BCDC Planning Activities

The Commission's planning activities for 1973 included several matters of particular interest:

Special Area Planning. In April the Commission began a planning effort to try to resolve some of the problems of the San Francisco waterfront, the development of which has been a source of both controversy and litigation between the Commission and the City and County of San Francisco. To begin

the planning, the Commission created the BCDC San Francisco Waterfront Advisory Committee and charged it with recommending a "special area" plan to the Commission for the San Francisco waterfront. A "special area" plan is one that applies the policies of the San Francisco Bay Plan in greater detail to specific areas within the Commission's jurisdiction.

The Committee is chaired by Commission Chairman William D. Evers and is composed of members of business, labor, and conservation groups that have expressed interest in the future of the area. Also included are representatives of the four local agencies with direct governmental responsibility for the waterfront: the San Francisco Planning Commission, the San Francisco Port Commission, the San Francisco Redevelopment Agency, and the San Francisco Board of Supervisors. The Committee has begun a "parcel-by-parcel" study of the waterfront and is expected to recommend a plan to the Commission in 1974.

San Leandro Bay Joint Planning Group. The Commission also discussed the future of San Leandro Bay in early 1973, and held public hearings on a proposal to adopt a resolution supporting the creation of a joint planning group to study San Leandro Bay. The Commission ultimately resolved to support the creation of a joint



Oakland Estuary



Alameda Air Station from Ballena Bay

planning group to study the area and prepare a plan consistent with the San Francisco Bay Plan and the BCDC law. The Commission also urged that the portions of San Leandro Bay and its shoreline offered to the East Bay Regional Park District by the Port of Oakland for park and recreational development should be transferred to the Park District at the earliest possible time. During the remainder of 1973, the Commission staff worked with the Port of Oakland, the City of Oakland, and the Park District to carry out the Commission's resolution.

Bay Plan Evaluation and Revision.

When the Bay Plan was completed in 1969, it was not intended to be a final plan for San Francisco Bay. The Legislature, in amending the McAteer-Petris Act that year on the basis of the recommendations in the Plan, specifically noted that the Plan was an interim plan and that the Commission at any time could amend, or repeal and adopt a new form of all or any part of the Plan, so long as the changes were consistent with the Act. And since 1969, the Plan has been amended twice: to permit water-related commercial recreation on publicly-owned land under certain circumstances; and to adopt new policies, based upon Decision 1379 of the State Water Resources Control Board (the "Delta Decision"), relating to fresh water inflow into the Bay.

These amendments have been relatively minor, however, and in

1973, the Commission received a small planning grant from the U. S. Department of Housing and Urban Development to evaluate the entire Plan to see whether or not further revisions were needed. In November, 1973, the staff recommended to the Commission an approach to the evaluation that emphasized analysis of the effectiveness of the Plan in bringing large-scale filling of the Bay under public control and in opening up the shoreline of the Bay for public and private use. The Commission approved the approach, and the staff has begun work on the evaluation, out of which will come a program for comprehensive Bay Plan revision.

The San Francisco Bay Conservation and Development Commission: Challenge and Accomplishment

The 27-member Commission was created in 1965 in response to citizen concern for the future of San Francisco Bay. Temporary at the outset, the Commission was assigned the task of preparing a plan for San Francisco Bay by 1969. In 1969, the Commission submitted the completed San Francisco Bay Plan to the Governor and the Legislature. Both subsequently decided to continue

the Commission's existence as a permanent agency to carry out the Plan. The McAteer-Petris Act (Government Code Section 66600, et seq.), the law establishing the Commission, was accordingly amended in 1969, and gave the Commission three major duties and responsibilities:

1. To regulate all filling and dredging in San Francisco Bay (including San Pablo and Suisun Bays, all sloughs that are part of the Bay system, and certain creeks and tributaries) in accordance with the law and the Commission's Bay Plan.
2. To have limited jurisdiction within a 100-foot strip inland from the Bay. Within this shoreline band, the Commission's responsibility is twofold: (a) to require public access to the Bay to the maximum extent feasible, consistent with the nature of new shoreline developments, and (b) to ensure that the limited amount of existing shoreline property suitable for high-priority purposes is reserved for these purposes, thus minimizing pressures to fill the Bay. (The six high-priority uses of shoreline land specified in the law and the Bay Plan are ports, water-related industry, water-related recreation, airports, wildlife areas, and desalinization and power plants.)
3. To have limited jurisdiction over any proposed filling of salt ponds or managed wetlands (areas diked off from the Bay and used for salt production, duck-hunting preserves, etc.). These areas, although not subject to the tides of the Bay, provide wildlife habitat and water surface important to the climate of the Bay Area. If filling of these areas is proposed, the Commission is to encourage dedication or public purchase to retain water surface area. And if development is authorized, the Commission is to ensure that the development provides public access to the Bay and retains the maximum amount of water surface consistent with the development.

In 1973 the Commission informally estimated the rate of Bay filling before and after BCDC came into existence, with some interesting results. Between 1850 and 1940, the rate of fill averaged about 1,500

acres per year. With the increase in population and activity in the Bay Area after World War II, the rate of filling also increased, and from 1940 to 1965, when BCDC was created, the rate of filling and diking increased to about 2,300 acres per year. Thereafter, during the years the Commission was preparing the Bay Plan, the Commission, which exercised its regulatory powers at the same time, authorized an average of only 94 acres of fill per year. Since completion of the Bay Plan and adoption by the Legislature of the amendments to the McAteer-Petris Act in 1969, the rate has decreased still further, to 29 acres per year. Though the amount of fill authorized by the Commission is not necessarily the same as the amount of actual filling (only about 330 acres of the 480 acres of fill authorized by the Commission through 1972 was actually placed in the Bay, and there are also instances in which "grandfathered" fill can be placed in the Bay without a BCDC permit), the preceding figures are a reasonably reliable indicator of the history of fill in San Francisco Bay.

Permits

The last part of 1972 saw a lull in the number of permit applications filed with the Commission, apparently because of the early uncertainties over the requirements for Environmental Impact Reports created by the decision of the

California Supreme Court in *Friends of Mammoth v. Board of Supervisors of Mono County*. However, with the 1972 amendments to the California Environmental Quality Act and the completion of State and Commission guidelines for preparation of Environmental Impact Reports, the number of applications increased again, and in 1973 the permit processing workload was at near-record levels.

During 1973 the Commission processed 20 major permit applications, of which 17 were approved, 1 was denied, and 2 were withdrawn at the request of the applicants. During this period, the Commission also entered into 11 memoranda of understanding with various federal agencies, which under federal law are not required to obtain state or local permits, to ensure that their projects would be in conformity with the McAteer-Petris Act and the Bay Plan. Moreover, in that same period, 112 applications were filed for administrative permits authorizing minor repairs and improvements: 71 of these were approved by the Executive Director in accordance with the Commission's regulations, 4 were withdrawn, and 1 was returned unfilled. The remaining applications for administrative permits were still in various stages of processing when this report was written.

The permits approved by the Commission during 1973 included fill totaling about 4.36 acres, the

major portion of which was for wharves and wharf extensions for the petroleum loading and off-loading facilities of Standard Oil Company of California, and the Ulrich Oil Company.

Work planned under permits granted by the Commission in 1973 includes a floating sea-aquarium on the San Francisco waterfront; public restaurants on the Oakland Estuary and on top of the BART ventilation structure near the Ferry Building in San Francisco; improvements to public marinas in Emeryville, Martinez, and Angel Island; shoreline housing developments which include attractive public access to the Bay as a condition of the permits; and a commercial village of specialty shops, restaurants, and public access areas on the Oakland Estuary with a mini-park to be constructed by the applicant as part of the project.

Permits Granted

During the 12 months ending November 30, 1973, the Commission granted the following permits:

To the Port of Oakland, (a) to dredge 2.15 million cubic yards of sediment from the Oakland Inner Harbor Channel to deepen the Channel from 30 to 35 feet below Mean Lower Low Water; and (b) to dispose of 1.25 million cubic yards in the Bay near Alcatraz Island, and the remaining 900,000 cubic yards at sea.

To Mr. E. Gordon Smith, to construct (a) nine single-family homes and access roads along the shoreline on the east side of Strawberry Point on the Tiburon peninsula in Marin County; and (b) five floating boat docks covering about 1,600 square feet of water area. In approving the application, the Commission included a condition requiring the applicant to grant rights to the public for viewing, fishing, walking, and sitting to an 11,400-square-foot area of land with a 55-foot frontage on the Bay, and to construct a pathway from the nearby road to the shoreline for public use.

To Mr. Sanford Copland, to build a three story, two-family residence mostly on the shoreline and partially extending over the



Berkeley Pier

Bay (covering 672 square feet of water surface area) at 2042 Paradise Drive in Tiburon, Marin County.

To the State Department of Navigation and Ocean Development, (a) to replace a deteriorated boat dock with a new 5,216-square-foot boat dock covering an additional 4,006 square feet of water surface area; and (b) to place 50 new small boat mooring buoys in Ayala Cove at Angel Island State Park.

To the Sea Habitat Corporation, to permanently moor a 100-foot diameter vessel, covering 0.18 acres of water surface area, between Piers 39 and 41 at the northern waterfront of San Francisco. The vessel will be used for aquarium display tanks and, as a condition of the permit, it will also have a 10-foot wide perimeter walkway (1,490-square-feet) for public access to the Bay. An additional 7,520-square-foot public access area would be provided at the bulkhead between the piers and the Bay.

To San Francisco International Airport, (a) to drive 200 piles to extend an existing 750-foot long approach light trestle an additional 1,900 feet into the Bay; and (b) to construct 26 aircraft landing light platforms and two equipment platforms at the airport.

To Mr. William F. O'Keeffe, (a) to construct within the 100-foot shoreline band a covered swimming pool and landscape an existing dwelling; and (b) to drive 18 piles in the Bay to support a boat dock and ramp covering 2,172-square-feet of water surface area (an old 600-square-foot dock will be removed to make way for the new dock). As a condition of the permit, the applicant agreed to remove three pilings driven without a BCDC permit and to reduce the size of the dock.

To the Urich Oil Company, (a) to construct a petroleum unloading facility consisting of a concrete tanker wharf, a trestle for an access road and pipeline, and two mooring structures, all supported by a total of 452 piles; (b) to dredge 70,000 cubic yards

of material from an area adjacent to the wharf and deposit the material at an upland location outside the jurisdiction of the Commission; and (c) to provide a 16-acre open space area and an 18-foot wide public access corridor from a nearby public highway, across the applicant's property to a marsh.

To Continental Restaurant Systems, Inc., to construct a two-story, 5,000-square-foot restaurant structure, parking for 32 automobiles and a 30-foot wide public access strip along the Estuary at Brooklyn Basin at Embarcadero Road near 10th Avenue in Oakland. The permit also requires the applicant to landscape the public access area and provide an 8-foot wide, hard-surfaced pathway for public use.

To the City of Martinez, to improve various dikes, breakwaters, and piers at the municipal marina including construction of a new 160-foot long, 10-foot wide earth fill dike, a new 150-foot long, double row, timber breakwater, driving 13 piles to anchor existing berths and installation of walkways to certain piers. The City will provide public access pathways on the existing and approved earth dikes and on the nearby municipal pier.

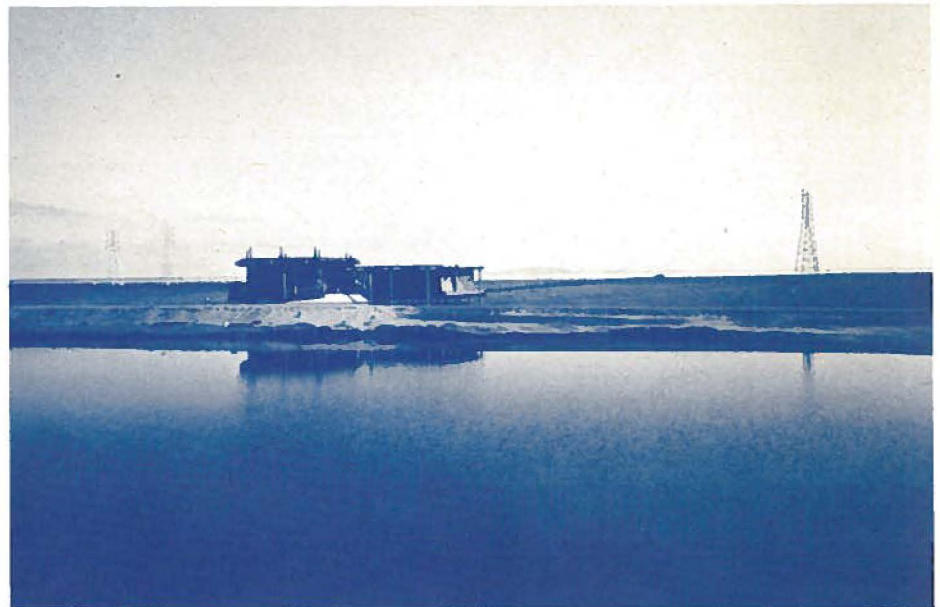
To Interfaith Housing Foundation, to construct within the 100-foot shoreline band six apartment buildings, containing 18

apartment units for low- and moderate-income families; do extensive grading; and provide a 16-foot wide pathway and a 6,300-square-foot grass playfield and other areas for public access purposes.

To the Port of San Francisco, (a) construct an 8,200-square-foot restaurant atop an existing Bay Area Rapid Transit District ventilation structure; (b) build an approximately 80,000-square-foot landscaped public plaza atop an existing platform; and (c) construct a ferry boat landing on piles bayward of the Ferry Building in San Francisco. The Bay Area Rapid Transit District platform and ferry landing had been previously authorized in 1967.

To Oakland Village Corporation, to construct within the 100-foot shoreline band a commercial village of specialty shops, restaurants, and public access areas surrounding a small excavated fresh water pond on a 2.34 acre parcel on the Oakland Estuary immediately west of Alice Street in Oakland. As a condition of the permit, the applicant will construct a mini-park at the foot of Alice Street adjacent to the Estuary.

To Commodore Properties, (a) to place fill over 6,600 square feet of Bay surface area to improve public access and shoreline appearance and to rehabilitate an existing small houseboat mooring



Palo Alto Baylands Interpretive Center

area by installing sewers, realigning existing houseboats and reconstructing an existing dock; and (b) within the shoreline band to establish proper drainage, renovate an existing office structure, remove abandoned hulls and construct 17 parking spaces at 240 Redwood Highway near Sausalito in Marin County.

To Marin Cay Condominiums, to construct nine waterfront condominium buildings on a 7.7 acre parcel adjacent to Greenwood Cover at the upper end of Richardson Bay in Marin County. Portions of two of the buildings will be cantilevered over 1,593-square-feet of Bay surface area, so that the applicant can dedicate 3.6 acres of shoreline and tidal area for public use and enjoyment.

To the Standard Oil Company, (a) to modernize and lengthen by 850 feet the Long Wharf at the Richmond Refinery in Richmond by driving 284 piles to support 8 new breasting dolphins, 2 new mooring dolphins and 4 new loading platforms; (b) build a trestle-supported pipeline adjacent to an existing pipeway by driving 518 piles; (c) dredge 622,000 cubic yards of material from a 50-acre area adjacent to the wharf; and (d) dispose of the spoils off Alcatraz Island. As a condition of the permit, the applicant will provide public access to the Bay and shoreline at either side of the Long Wharf for purposes of viewing, fishing, walking, and related purposes.

To the City of Emeryville, to extend by 400 feet an existing 740-foot long timber breakwater to protect a marina from northern wind and wave action.

Permits Withdrawn

During the 12 months ending November 30, 1973, two applications were filed by the Commission, partly processed but then withdrawn by the applicants:

The City of San Leandro filed an application for a permit to permanently moor a 1,080-square-foot barge at the San Leandro Marina to be used as a yacht club and to dredge a small amount of material



Corte Madera Shoreline, looking north across Heerdt Marsh

permitting the barge to float at all stages of the tide. At the request of the applicant, the public hearing on this application was indefinitely extended.

Mr. Jerry Ganz filed an application to construct a 945-square-foot beach pavilion and deck almost entirely in the Bay at 401 Belvedere Avenue in Belvedere, Marin County to be used for entertainment and leisure activities. After a public hearing and receipt by the Commission of information from the State Lands Commission indicating possible State ownership of property on which the project was to be built, the application was withdrawn.

Permits Denied

During the 12 months ending November 30, 1973, the Commission denied the following permit:

Application of Mr. Frank M. Burke and Mr. William J. Heerdt (a) to dredge 21 acres of marsh for a 335 berth small boat marina; (b) to fill 48 acres of marsh for commercial and industrial uses; and (c) to construct portions of a yacht club, restaurant, shops and a fishing pier on piles in the Bay. The Commission found that the proposed project was not

necessary to the health, safety or welfare of the public in the entire Bay Area and was not consistent with the McAteer-Petris Act or the San Francisco Bay Plan.

Memoranda of Understanding (MOU)

Although federal agencies are not required to obtain permits for work within the Commission's jurisdiction, the President has issued an Executive Order recommending that federal agencies fully cooperate and coordinate their activities with concerned state agencies. The Order states that such cooperation is especially important when environmental considerations are involved. In compliance with this Order, federal agencies have entered into Memoranda of Understanding with the Commission for work within its jurisdiction. Eleven such memoranda were entered into in the 12 month period ending November 30, 1973:

With the Presidio of San Francisco for rip-rapping the shoreline at Crissy Field, improving shoreline appearance and providing public access to the Bay and shoreline.

With the San Francisco and Sacramento District, U. S. Army Corps of Engineers, to landscape and provide public access to the

Bay and shoreline at a 100-foot wide by 1,200-foot long (120,000-square-feet) shoreline area north of the Bulk Mail Facility at Point Isabel in Richmond, Contra Costa County.

With the Naval Facilities Engineering Command, to perform maintenance dredging at Alameda Naval Air Station, Alameda County, by removing one million cubic yards of material and depositing the spoils at an area seaward of Alcatraz Island.

With the Presidio of San Francisco, to perform levee repairs near the Coast Guard Station at the Presidio.

With the Presidio of San Francisco, to extend two existing storm water drain outfall pipes

further into the Bay at Fort Point, Presidio.

With the Naval Facilities Engineering Command, to perform maintenance dredging at Mare Island Channel and Turning Basin, Mare Island shipyard near Vallejo, Solano County, by removing 1,200,000 cubic yards of material and depositing the spoil at the U. S. Army Corps of Engineers' designated disposal site in Carquinez Straits.

With the Presidio, to remove a dock and construct two floating docks at Horseshoe Bay at Fort Baker.

With the Naval Facilities Engineering Command, to place rock fill over an existing underwater sewer main at the Oakland Inner Harbor Channel bottom between the Alameda

Naval Air Station and the Oakland Naval Supply Center.

With the U. S. Department of Commerce, Maritime Administration, to dredge 50,000 cubic yards of material at the Suisun Bay Reserve Fleet Facilities, Suisun Bay in Solano County and deposit the material at an area seaward of Alcatraz Island.

With the Naval Facilities Engineering Command, to demolish a concrete slab dock and rip-rap the shoreline at Treasure Island.

With the Naval Facilities Engineering Command, to drive 256 piles to extend Pier 2 and a related Memorandum to construct a deck over the piles and place mooring dolphins at the Alameda Naval Air Station, Alameda.

Advisory Boards

In addition to the Commission's legally-required Advisory Committee, whose members are listed on the inside back cover of this report, the Commission has the help of two specially-appointed permit review boards, the Engineering Criteria Review Board and the Design Review Board.

Engineering Criteria Review Board

Members of this Board are specialists in the fields of structural engineering, soils engineering, geology, engineering geology, and architecture, who advise the Commission on the safety of proposed Bay fill projects. Board members are leading professionals in their fields, who volunteer their time in the belief that multi-disciplinary review is needed for all construction proposed for problem soil conditions in earthquake-prone areas. Thirteen projects were reviewed by the Board in seven meetings held in 1973. Particular emphasis was placed on defining an acceptable level of seismic safety for proposed projects, and identifying conditions necessary to achieve this level.

Board members are as follows:

† **Lloyd Cluff**, geologist, Woodward-Lundgren & Associates, Oakland

Henry J. Degenkolb, structural engineer, H. J. Degenkolb & Associates, San Francisco

* **Rudy J. Dietrich**, soils engineer, Shannon & Wilson, Inc., Burlingame

George O. Gates, geologist, San Mateo

Frank E. McClure, structural engineer, McClure & Messinger, Oakland, Chairman

William W. Moore, soils engineer, Dames & Moore, San Francisco

Dr. Gordon B. Oakeshott, geologist, Sacramento

* **Alan L. O'Neill**, engineering geologist, U. S. Army Corps of Engineers, San Francisco

Henry E. Pape, Jr., civil engineer, U. S. Army Corps of Engineers, San Francisco

Professor Joseph Penzien, structural engineer, Earthquake Engineering Research Center, University of California, Berkeley

† **Professor H. Bolton Seed**, soils engineer, College of Engineering, University of California, Berkeley

George P. Simonds, architect, Anderson, Simonds, Dusel & Campini, Oakland

Richard Woodward, soils engineer, Lafayette

Design Review Board

Members of the Design Review Board, who also volunteer their time, are architects, landscape architects, and engineers who advise the Commission on the design and appearance of proposed Bay and shoreline projects. The professional advice of each Board member has been instrumental in providing the public with much attractive new access to the Bay.

Board members are as follows:

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Garrett Eckbo, landscape architect, Eckbo, Dean, Austin & Williams, San Francisco

Hans A. Feibusch, engineer, Environmental Impact Planning Corporation, San Francisco

William H. Liskamm, architect-urban planner, San Francisco, Chairman

Allan M. Walter, architect, Allan M. Walter & Associates, Inc., San Jose

† Retired from Board as of November 1, 1973
* New Member as of November 1, 1973

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